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ORIGINAL

September 30, 2013

VIA E-MAIL AND FEDERAL EXPRESS

Christopher Sklaney (3HS21)  
Remedial Project Manager  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103

Joe P. Yeager  
Associate  
T. 302-984-6391  
F. 302-691-2162  
jyeager@mccarter.com

Re: Metro Container Site  
Trainer, Pennsylvania  
Notice Letter to Bayer CropScience

Dear Mr. Sklaney:

McCarter & English, LLP  
Renaissance Centre  
405 N. King Street, 8th Floor  
Wilmington, DE 19801-3717  
T. 302.984.6300  
F. 302.984.6399  
www.mccarter.com

Bayer CropScience, LP, through its litigation agent Stauffer Management Company LLC ("SMC"), hereby acknowledges receipt of U.S. Environmental Protection Agency's ("EPA") Notice of Potential Liability for the above referenced site ("Site"), dated August 20, 2013. This letter shall constitute SMC's response beyond the stated 20 days under an extension of time to respond to EPA's Notice Letter granted by Kenneth Rose. EPA's designated contact for future communications is as follows:

Joe P. Yeager, Esq  
McCarter & English, LLP  
405 N. King Street, 8<sup>th</sup> Floor  
Wilmington, DE 19801  
Phone: 302-984-6391  
Email: jyeager@mccarter.com

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We are in receipt and have reviewed EPA's Notice Letter. EPA has not provided sufficient information to enable SMC to provide a comprehensive response at this time. Notwithstanding the foregoing, however, SMC does intend to participate in EPA's information-sharing process and SMC is in contact with other alleged Potentially Responsible Parties ("PRPs") for this Site in order to facilitate the exchange of information and the potential development of a PRP Group (any participation in that process is subject to its reservation of rights and defenses set forth herein).

SMC is not able at this time to indicate its willingness to perform or finance the response activities outlined in EPA's letter. SMC notes that carbon disulfide can be found in nature, and further notes that the materials attributed to Stauffer are not the materials being cleaned up (*i.e.*, volatile organic compounds, semi-volatile organic

compounds, PCBs, pesticides, metals, and polycyclic aromatic hydrocarbons). As of the date hereof, EPA has not provided SMC with sufficient information regarding response actions already undertaken, nor those proposed to be undertaken as immediate removal activities. Specifically, information sufficient to confirm EPA's allegation that an imminent and substantial endangerment to public health, welfare or the environment exists has not been provided. Additionally, EPA has provided very limited information regarding costs expended and estimated.

SMC may consider volunteering to perform the Site remediation. However, it appears that the Site's primary source contamination is from buried, or previously buried, drums containing untreated liquid wastes and sludges deposited on the Site after Stauffer Chemical Company's ownership and operation. Such releases caused elevated levels of PCBs in the Site's soil and groundwater, and those elevated levels of PCBs have been the primary focus of removal and remediation activities at this Site. Because SMC's purported liability for this Site stems from its former production of carbon disulfide, also known as dithiocarbonic anhydride, and sulfuric acid prior to when the Site's drum refurbishment operations were conducted, it therefore appears that SMC has no liability, or at most may have only a small volumetric share of a clean-up effort made by a future PRP group. SMC's willingness to volunteer necessarily must consider the actions of the Site's primary PRPs.

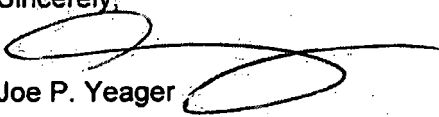
SMC respectfully requests a copy of any proposed work plan or similar document for the Site. SMC requires such document, if available, in order to estimate the size of its potential liability, if any. It would be helpful if EPA would be willing to share any estimates it has made regarding the cost of its proposed remediation for the Site.

With specific reference to EPA's August 20th letter, SMC has not been provided with enough information to establish the scope of its liability, if any, and accordingly, SMC is not in a position to provide a declaration of its election to participate in the Site's remediation at this time. In light of the informational deficiencies, SMC believes a meeting with EPA would be productive. SMC will, of course, review any information provided by EPA to establish that it is not entitled to assert the defenses set forth herein and invites EPA to provide the same.

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Please feel free to contact me if I can be of any assistance to EPA on this matter. I thank you in advance for your consideration of our requests and look forward to hearing from you with regard to same.

Sincerely,



Joe P. Yeager

cc: Charles N. Elmendorf  
A. Richard Winchester, Esq.